



**U.S. Army Corps
of Engineers**

Baltimore District
PN-22-22

Public Notice

**In Reply to Application Number
NAB-2022-60695 (Bulkhead/Revetment/Pier/Pilings/Boat
Ramp/Construction Matting/Turbidity Curtain)**

Comment Period: July 18, 2022 to August 17, 2022

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

APPLICANT:

Maryland Department of Natural Resources
c/o: Mr. Lester Wright
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The work is in the Chester River at Love Point State Park located off 400 Pier Avenue in Stevensville, Queen Anne's County, Maryland (Latitude: 39.0033620°N; Longitude: -76.304070°W)

OVERALL PROJECT PURPOSE:

To improve navigable access and provide shoreline erosion control.

PROJECT DESCRIPTION:

The applicant proposes waterway facility improvements at the Love Point State Park by first removing the existing deteriorated waterfront structures and then constructing new structures in their place. The proposed removal work is within an approximately 31,500 square foot (sf) area along approximately 900 linear feet (lf) of shoreline and includes the following: to remove 765 linear feet (lf) of bulkhead; 48 mooring piles; 105 lf of stone revetment; and 23 lf of wooden pier structures.

The proposed new construction is within an approximately 8,485 sf area and includes the following: to construct 716 lf of steel bulkhead with approximately 1,250 cubic yards of clean earthen backfill; to emplace 210 lf of stone seawall/revetment; to construct a 30-foot (ft) long by 20-ft wide concrete boat ramp; to construct a 50-ft long by 3-ft wide floating pier with an attached 30-ft long by 15-ft wide terminal T-head platform and a floating finger pier measuring 30-ft long by 6-ft wide; to install a 16-ft long by 3.5-foot wide gangway; to install three (3) fixed finger piers, each measuring 15-ft long by 3-ft wide; and to install a total of 98 piles. Of the 98 piles, 32 mooring piles will be located at the commercial boat slips, 4 mooring piles will be located at the boat ramp, 34 mooring piles will be located at the Maryland Department of Natural Resources boat slips, and 32 piles are structural steel HP piles. All structures extend a maximum of 80-ft channelward of the approximate mean high-water shoreline. The number of slips would increase from 2 to 7.

All work is proposed in accordance with the attached plans prepared by KCI Technologies, dated March 28, 2022 and April 13, 2022.

EFFECTS ON AQUATIC RESOURCES:

Proposed Activity	Aquatic Resource Impact (sf)	Wetland Impact (sf)	Authority (Section 10/404)
Steel Bulkhead	1,080	0	Section 10/404
Stone Revetment	5,270	0	Section 10/404
Boat Ramp	600	0	Section 404
Piers	1,535	0	Section 10

LEAD FEDERAL AGENCY:

The United States Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable based on the existing site conditions. The applicant proposes to avoid and minimize impacts by replacing the existing deteriorated bulkhead, revetment, and pier with similar structures/fill. The additional encroachment of approximately 26-ft and 29-ft

channelward of the mean high-water shoreline for the bulkhead and revetment, respectively, have been reduced and minimized to the extent practicable based on engineering constraints and existing site conditions of water depth, exposure height, and soil conditions.

No compensatory mitigation is proposed, as the project has been designed to avoid and minimize impacts to the maximum extent practicable. No wetlands will be impacted as a result of the proposed project.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership and in general, the needs and welfare of the people. The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, United States Environmental Protection Agency.

ENDANGERED SPECIES:

A preliminary review of this application indicates that the proposed work is not likely to adversely affect federally listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

ESSENTIAL FISH HABITAT:

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or

proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effect on EFH. The proposed work would impact approximately 110 sf of mapped SAV bed. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES:

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):

All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408:

<https://www.nab.usace.army.mil/Missions/Regulatory/Section-408-Requests/>.

WATER QUALITY CERTIFICATION:

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

COASTAL ZONE MANAGEMENT PROGRAMS:

Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement.

The applicant must obtain any state or local government permits which may be required.

SUBMISSION OF COMMENTS:

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action and are subject to release to the public through the Freedom of Information Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the application number NAB-2022-60695-M46.

PUBLIC HEARING REQUESTS:

Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also, it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected. The public hearing request may be submitted by electronic mail or mailed to the following address:

Nicole Voelker
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 21201
Nicole.M.Voelker@usace.army.mil

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project, or would like to request a paper copy of this public notice, please contact Nicole Voelker of this office, at (410) 962-1847 or via email at Nicole.m.voelker@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.